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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/676,843	10/01/2003	Chidambaram Raghavan	340058.556	3763

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SEED INTELLECTUAL PROPERTY LAW GROUP PLLC
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SEATTLE, WA 98104

EXAMINER

KOCZO JR, MICHAEL

ART UNIT	PAPER NUMBER
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3746

MAIL DATE	DELIVERY MODE
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07/13/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No. 10/676,843	Applicant(s) RAGHAVAN ET AL.	
	Examiner Michael Koczo, Jr.	Art Unit 3746	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 June 2007 and 25 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) 6,9,10,15,16,18,25,26,28-31 and 33-36 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5,7,8,11-14,17,19-24,27 and 32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 June 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>02-09-2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Applicant's election without traverse of the species of figure 5 in the reply filed on June 18, 2007 is acknowledged.

Claims 6, 9, 10, 15, 16, 18, 25, 26, 28 to 31 and 33 to 36 therefore stand withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to nonelected species, there being no allowable generic or linking claim.

Applicant states that claims 10 and 18 read on the elected species of figure 5. However, these claims do not read on figure 5 because in figure 5 the load chamber pressure source is external to the pump.

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: Numeral 116 is not shown in figure 9 (see page 16, line 27 of the specification). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any

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required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: there is no basis in the specification for “pressure chamber”, “first member” and “second member” of claim 1.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1 to 5, 7, 8, 17 and 19 to 23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, no structure is recited which forms the pressure chamber. For example, reciting that the second member is biased against the pressure chamber is indefinite because it is not clear against which structure the second member is biased. See MPEP § 2172.01.

Claims 17 to 20 are incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: the cylinder, end cap and valve body are recited in a structurally disconnected manner.

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In claim 21, no structure is recited which forms the load chamber. See MPEP § 2172.01.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 3, 7, 8, 11, 12, 13, 14, 17, 19, 20, 24 and 27 are rejected under 35

U.S.C. 102(b) as being anticipated by Bauer (US 3,207,081). Bauer discloses a pump having a pressure chamber 7 formed by cylinder 1, a first member 9 coupled to the cylinder 1 via casing 8, a second member 3 positioned between the cylinder 1 and the first member 9, and a load chamber 11 between the first member 9 and the second member 3. The load chamber 11 is pressurized by fluid from the pressure chamber 7 via check valve 13. Check valve 13 maintains the pressure in the load chamber by preventing fluid from immediately leaking back to the pressure chamber.

Claims 1, 2, 3, 4, 5, 11, 12, 13, 17, 19, 24, 27 and 32 are rejected under 35 U.S.C. 102(b) as being anticipated by Vereschagin et al (US 3,446,427). Vereschagin et al '427 disclose a pump having a pressure chamber formed by cylinder forming member 5, a first member 2 coupled to the cylinder forming member 5 via member 3, a second member 7 positioned between the cylinder forming member 5 and the first member 2, and a load chamber between the first member 2 and the second member 7. The load chamber is pressurized by fluid through passage 13 from an external pressure source.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 21 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vereschagin et al (US 3,446,427) in view of Jezek (US 2005/0249615 A1). Vereschagin et al '427 disclose a pump having a pressure chamber formed by cylinder forming member 5, a first member 2 coupled to the cylinder forming member 5 via member 3, a second member 7 positioned between the cylinder forming member 5 and the first member 2, and a load chamber between the first member 2 and the second member 7. The load chamber is pressurized by fluid through passage 13 from an external pressure source. However, Vereschagin et al '427 do not disclose a tool having an input coupled to the pressure output. Jezek discloses a high pressure pump connected to a tool such as a water jet for cleaning or cutting (page 1, para. 0002). In view of this teaching, it would have been obvious to connect a tool for cleaning or cutting to the pump output. The ratio of the pump output pressure and the load chamber pressure is merely a function of the intended use of the device. The structure of Vereschagin et al '427 is clearly capable of functioning under the recited pressure ratio in view of the structural similarity to the claimed structure.

Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vereschagin et al (US 3,446,427) in view of Jezek (US 2005/0249615 A1), as applied to claim 21 above, and further in view of Vereschagin et al (US 3,778,196). Vereschagin et al '196 discloses a check

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valve 22 in a pressurizing line to a load chamber for regulating and maintaining the pressure in the load chamber. In view of this teaching, it would have been obvious to provide the passage which leads to the load chamber of Vereschagin et al '427 with a check valve.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

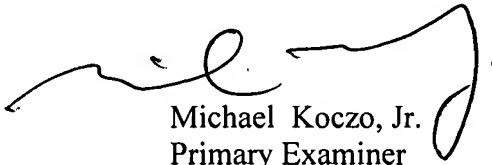
Any inquiry relating to patent applications in general should be directed to the Patent Assistance Center at 1-800-786-9199.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Koczo, Jr. whose telephone number is 571-272-4830. The examiner can normally be reached on M-Th; 7:00-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony D. Stashick can be reached at 571-272-4561. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Michael Koczo, Jr.
Primary Examiner
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